



**Human Rights Watch Submission
to the CEDAW Committee on Yemen's Periodic Report, 62th session**

February 2015

We write in advance of the 62th Session of the Committee on the Elimination of Discrimination against Women and its review of the Republic of Yemen's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This submission addresses articles 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 15 and 16 of the convention.

This submission is based on information contained in three Human Rights Watch reports, "How Come You Allow Little Girls to Get Married?: Child Marriage in Yemen," published in 2011; "Obligating Obedience : Violations of Women's Rights in Yemen" and "Killing My Daughter Haunts Me': Female Genital Mutilation in Yemen," both published in 2015.

Discrimination against women: CEDAW articles 1,2,3, 7, 8, 9,10,11 and 16

a. The Constitution (CEDAW articles 1, 2 and 3)

Yemen's 1994 constitution states in article 41 that "Citizens are all equal in rights and duties."¹ However, the constitution undermines the article's purported guarantee of gender equality in article 31 by referring to women as "sisters of men" who "have rights and duties, which are guaranteed and assigned by Sharia [Islamic law] and stipulated by law."

The state-building working group within Yemen's 10-month long National Dialogue Conference from 2013-2014 recommended that, "The state guarantees equality and equal opportunities to all [male and female] citizens in the political, economic and social spheres, and shall issue the laws necessary to achieve this goal." The working group also recommended that, "All citizens are equal before the law, in both rights and obligations, without distinction based on sex, race, origin, color, religion, sect, creed, opinion or social and economic status."²

President Abdu Rabu Mansour Hadi has said that the conference's recommendations must be implemented by the new government because they were agreed on by consensus, and that the new constitution will enshrine the conference's recommendations.³ Yemen's new constitution has yet to be finalized or adopted.

b. Personal status law (CEDAW articles 1, 2, 15 and 16)

¹ Constitution of the Republic of Yemen, 1994, as amended by referendum in 2001 (in English) at http://www.yemen-nic.info/english_site/yemen/dostor.php (accessed September 11, 2014).

² Final Report of the State Building Working, December 24, 2013, at http://www.ndc.ye/ndcdoc/State_Building_Report-26Dec2013.doc (accessed November 25, 2014).

³ "Yemen: Start Moving on National Dialogue Proposals," Human Rights Watch news release, February 10, 2014, <http://www.hrw.org/news/2014/02/09/yemen-start-moving-national-dialogue-proposals>.

Yemen's Personal Status Law contains provisions that discriminate against women in relation to marriage, divorce, custody of children, and inheritance.⁴

1) Marriage

Under Yemen's Personal Status Law, a man may marry up to four wives if he is able to treat them all equitably, has sufficient financial means, and the woman he is about to marry is aware that he is already married. Whereas a woman is not entitled to enter into marriage on her own free will, but can do so only with the agreement of her male guardian. Although article 10 of the Personal Status Law states that a marriage is invalid if either spouse was coerced into it, this is undermined in practice by article 23, which requires that only previously married women need to express consent to a marriage.⁵ The silence of a woman who has not previously married-- a "virgin" -- is deemed to signify her consent.⁶ In addition, article 7 does not require the presence of the bride to seal the marriage contract. As a result, articles 23 and 7 lead to a situation in which the male guardian is often the one to decide if a girl or woman is to marry.

When a woman's guardian refuses to consent to her marrying a husband of her choice, she may petition a court to grant her such permission, but this may be refused.⁷ If a woman marries without the permission of her male guardian, the guardian is entitled under the law to file for an annulment of her marriage.⁸ Human Rights Watch has previously reported cases where a woman who married against her parents' will was later charged with adultery and imprisoned.⁹

2) Divorce

Yemen's Personal Status Law allows a man to unilaterally divorce his wife by pronouncing his repudiation of the marriage three times.¹⁰ A woman seeking to divorce her husband, however, must apply to the courts and may do so only in limited circumstances, such as when her husband fails to provide for the family financially, if he has sufficient means to do so.¹¹ If a woman wishes to divorce her husband for other reasons, she may file for *khul'*, or no-fault divorce, under which she is required to pay back her dowry and forgo claims to the temporary financial support provided to women in other divorce cases.¹²

3) Care of children

If a couple divorces, women are usually granted care (known as custody under Yemeni law) of their children until their children reach a certain age (9 for boys and 12 for girls).¹³ After the children reach this age, children may choose with which parent they wish to live.¹⁴ During the care period, a woman faces relatively onerous restrictions, and the children may be removed from her care if she cannot meet certain conditions. Men do not face equivalent restrictions or

⁴ Law No. 20. of 1992 regarding Personal Status (hereafter Personal Status Law), as amended by Law No. 27 of 1998, Law No. 24 in 1999 and Law No. 34 of 2003 (in Arabic) at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11351 (accessed September 11, 2013).

⁵ Personal Status Law in article 23 states: "Any contract that is based on the coercion of the husband or wife shall not be valid."

⁶ Ibid. Article 23 states "It is required that a woman give her consent. The consent of a virgin shall be her silence; while the consent of a previously married woman must be expressed."

⁷ Ibid., article 18.

⁸ Ibid., article 16(1)(b).

⁹ Human Rights Watch, *World Report 2010* (New York: Human Rights Watch, 2010), Yemen chapter, <http://www.hrw.org/en/node/87738>.

¹⁰ Personal Status Law, article 59.

¹¹ Ibid., articles 51-53.

¹² Ibid., articles 72 and 36.

¹³ Personal Status Law, articles 139, 141.

¹⁴ Ibid., article 148.

risk losing care of their children. For example, in practice the mother (but not the father) may lose custody of her children if a court determines that she is not bringing them up under the appropriate standards and, in some circumstances, if she remarries.¹⁵ A woman may not deny the father visitation rights, while a father can deny a mother's visitation rights.¹⁶

Guardianship remains with the father, regardless of whether he has custody of the children or not. Consequently, the father will be responsible for financial support of the child and take all decisions regarding the child.¹⁷

4) Inheritance

Under Yemeni law, women have the right to inherit. However, they receive a smaller share of inheritance than a man. By law, a woman will receive half of the share that a man would receive if he were in the same relationship to the deceased.¹⁸ For example, while an only daughter can receive half of her father's wealth, an only son can receive all of his wealth.¹⁹

Beyond the formal inequality in inheritance rights, in practice, women, particularly in rural areas, are consistently not given the inheritance due them. In an attempt to protect family assets, wealthy families sometimes forbid their daughters to marry outside the family. Women who have married into a different tribe, for example, may be prevented from inheriting property in order to keep the property under tribal ownership.²⁰

c. Equal rights to nationality (CEDAW articles 1, 2 and 9)

Yemen's nationality law discriminates against women by only prescribing ways for men to transmit citizenship to a spouse, not women. Article 11 of the Nationality Law allows a woman who marries a Yemeni man to obtain Yemeni nationality four years after the date of the marriage if she has submitted a citizenship application to the Ministry of Interior, and if the ministry does not contest it.²¹ The law does not specify how a foreign man married to a Yemeni woman might obtain nationality. According to legal expert Ghaidaa al-Absi, the only option for non-Yemeni husbands who want to live in Yemen is to apply for residency permits.²²

In addition, although there is no such specification under the law, authorities customarily require women to have the authorization of their male guardian (usually their husband or father) in order to obtain an identity card or passport.²³

d. Right to political participation (CEDAW articles 4, 7, and 8)

¹⁵ Ibid. Article 143 reads: "Custody is transferred from one guardian to the next due to one of the following (insanity and similar repellents such as leprosy; blindness; negligence; depravity; the relinquishment of the child's safekeeping, and marriage, unless to a spouse of the child's blood relations)."

¹⁶ Ibid., article 145.

¹⁷ Ibid., articles 139, 141, 148.

¹⁸ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 2.

¹⁹ Personal Status Law, articles 309, 316.

²⁰ Japan International Cooperation Agency (JICA), "Yemen: Country Gender Profile," March 23, 2009, http://www.jica.go.jp/english/our_work/thematic_issues/gender/background/pdf/eogyem.pdf (accessed August 5, 2014), p. 24.

²¹ Law No. 6 of 1990 regarding Yemeni Nationality, amended by Law No. 24 of 2003 (in Arabic) at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11266 (accessed September 11, 2013) and (in English) at <http://www.yemenembassy.org/consulate/nationality.htm> (accessed September 11, 2013).

²² Human Rights Watch email correspondence with Ghaidaa al-Absi, legal expert, Sanaa, August 31, 2014.

²³ Freedom House, "Yemen," 2012, <http://www.freedomhouse.org/report/countries-crossroads/2012/yemen-o#.U-TOgl2SzQo> (accessed August 4, 2014).

Although women in Yemen have full and equal suffrage with men, they are effectively excluded from political life. Political parties typically do not support female candidates. In 2012, Freedom House reported that the number of women running for and elected to office at the national level had declined with each electoral cycle, despite rising levels of women's literacy, civic engagement, and political activism.²⁴ Currently, there is only one woman (out of 301 members) in the lower house of parliament and only two (out of 111 members) in the upper house.²⁵ The new government formed in November included only five women out of 35 ministers.

The judiciary is strikingly lacking in women. In 2007, there were only 32 female judges out of some 1,200 judges in the country. These women all became judges in South Yemen before unification in 1990. In unified Yemen, women have only been able to enrol in the High Judicial Institute, which allows them to pursue a career as a judge, since 2007.²⁶

e. Access to education (CEDAW articles 1, 5, 10 and 16)

Women and girls in Yemen do not have equitable access to education. The country is still far from achieving gender parity in primary and secondary education.²⁷ Yemen has the largest gap between net primary school attendance rates for girls and boys in the region.²⁸ While Yemen had been making strides in closing the gender gap before 2011, this progress quickly deteriorated due to the poor security situation and difficulty for students to access school.²⁹

According to a 2013 UNICEF survey, girls in Yemen are half as likely to enrol in school as boys, and less likely to complete basic, secondary and post-secondary education.³⁰ Many girls drop out of school at or before grade six (around age 12), while many boys continue beyond this point.³¹ The Yemeni Ministry of Education reported in 2014 that 29 percent of girls and 12 percent of boys were out of school at the primary school level (6-11 years), and that 45 percent of girls and 22 percent of boys were out of school by the lower-secondary level (12-14 years).³² Human Rights Watch has documented that early and child marriage is a leading contributor to girls dropping out of school.³³

Very few women continue on to post-secondary education. Only about 6 percent of the women identified in the fourth Demographic and Health Survey (DHS) of 2013 had continued their education post-secondary school.³⁴ Most schools surveyed by UNICEF—71 percent— did not have any female teachers.³⁵

²⁴ Ibid.

²⁵ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, p. 3.

²⁶ Ibid.

²⁷ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 25.

²⁸ SIGI, "Yemen", 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

²⁹ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 189.

³⁰ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 132.

³¹ UNICEF, "Yemen Baseline Survey Report," July 2013, 24, 24; see also UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 3.

³² UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014," 2014, p. 25.

³³ Human Rights Watch, "*How Come You Allow Little Girls to Get Married?: Child Marriage in Yemen*", December 8, 2011, at <https://www.hrw.org/reports/2011/12/07/how-come-you-allow-little-girls-get-married>.

³⁴ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 8.

³⁵ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 25; see also, UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 190.

Women in Yemen have a lower literacy rate than men. According to the 2013 Global Gender Gap, only 49 percent of women in Yemen are literate, while 82 percent of men are literate.³⁶

A more general obstacle children face in accessing education comes from Yemen's many ongoing armed conflicts. According to the Ministry of Education and Teaching, fighting in Amran, Sanaa and Shabwa led to the damage or destruction of at least 41 schools and the occupation by various armed forces of at least six schools in 2014. In addition, 31 schools were being used to house internally displaced persons. In November 2014 alone fighting in Ibb pushed authorities to temporarily close 169 schools serving 92,000 students, re-opening them a week later. In Al Bayda, 11 schools in Rada' remained closed as of October 31, leaving 6,000 students out of class. Previous research by Human Rights Watch into the effect of military use of schools in Yemen indicates that girls are particularly affected by this practice because their parents, teachers, and the students themselves often have concerns about having them study in close proximity to armed men, or because alternative places of education may result in being educated alongside boys against parents' wishes.³⁷

f. Access to employment (CEDAW articles 1,2, 5, 11, 15 and 16)

While Yemeni law does not prohibit women from working, in practice a number of social and cultural barriers make it difficult for them to seek employment outside the home. First, as mentioned above, women lag behind men with regards to education.³⁸ Second, the Personal Status Law requires a woman to seek permission from her husband before leaving her house. While the 1992 law had an exception allowing a woman to leave her home for work, the exception was amended in 1998, specifying that the work must have been agreed to by her husband and must not contradict Sharia.³⁹ Finally, the emphasis placed on women having traditional roles and their primary responsibility for child rearing is used to deny them access to employment opportunities.⁴⁰

The labor force participation rate of women in Yemen is very low. In 2013, the World Economic Forum reported that the female unemployment rate was 41 percent, while men's unemployment rate was 12 percent.⁴¹

Girls are more likely to be engaged in child labor than boys. Forty percent of girls between the ages of 5-11 work—compared to 29 percent of boys—and half of girls aged 12-14 work—compared to 27 percent of boys. Girl child laborers are less likely to be at school than boy child laborers.⁴²

Violence against women (CEDAW articles 1, 2, 3 and 12)

a. Gender-based violence

³⁶ World Economic Forum, "Global Gender Gap Report 2013: Country Profile: Yemen," 2013, <http://reports.weforum.org/global-gender-gap-report-2013/#section=country-profiles-yemen> (accessed August 5, 2014).

³⁷ Human Rights Watch, "Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital," September 2012.

³⁸ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, p. 4.

³⁹ Personal Status Law, article 40.

⁴⁰ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf), (accessed August 4, 2014), pp. 81-82.

⁴¹ World Economic Forum, "Global Gender Gap Report 2013: Country Profile: Yemen," 2013, <http://reports.weforum.org/global-gender-gap-report-2013/#section=country-profiles-yemen> (accessed August 5, 2014).

⁴² UNICEF, "Yemen Baseline Survey Report," July 2013, p. 132.

Yemen has no law designed specifically to protect women from gender-based violence, only the general protection provided in the Penal Code that criminalizes infliction of physical harm.

Provisions in the Personal Status Law create conditions that can facilitate marital rape and domestic violence. Article 40 of the Personal Status Law, for example, as revised in 1998, requires a woman to be obedient to her husband. Article 40 does not permit a woman to leave the matrimonial home without her husband's permission except in very narrow circumstances. The provision requires that women allow their husbands to have sexual relations whenever the husbands require.⁴³ Marital rape is not criminalized.

Likewise, provisions in the Penal Code also increase the vulnerability of women to violence. Article 232 of the Penal Code allows for reduced and lenient sentences for men convicted of so-called "honor killing." It provides that a man who murders or injures his wife, mother, daughter or sister or her partner after finding them in the act of committing adultery should receive a maximum prison sentence of one year or a fine.⁴⁴ In other circumstances under Yemeni law, the crime of murder is punishable by death. In Yemen, murder falls under *qisas* (retribution in kind), which provides the murdered victim's family the right to pardon, seek financial compensation or demand execution of the convicted offender. Where a family member has killed a female relative in the name of "honor," he can be pardoned by his family. The state can still sentence him to 10 years' imprisonment but only in cases where it is deemed a threat to public order or "corruption on earth." "Honor killings" in such instances do not meet this criterion and thus the offender can be exempted. Human Rights Watch opposes the death penalty in all circumstances because of its inherent cruelty, but the extremely lenient sentences imposed for "honor" crimes conveys a message that killing in the name of "honor" is permissible.

Other current legal provisions that criminalize *zina* (sexual intercourse outside of marriage) and "immoral acts" have a discriminatory impact on women.⁴⁵ For example, under "immoral acts," a woman can be prosecuted for the offense of *khilwa* if found in the company of a man who is not her relative. Such provisions undermine women's rights, including to equal protection under the law.⁴⁶ Criminalizing consensual sex between adults also increases women's vulnerability to rape and other sexual abuse as women are likely to be deterred from reporting such crimes, fearing their own prosecution for *zina* or "immoral acts."

The National Dialogue Conference in recommendation 63, called for a "special agency be formed to protect women and children from social and domestic violence."

b. Early and child marriage

A particular source of violence against women stems from the practice of child marriage. Currently, Yemeni law sets no minimum age of marriage. Yemen had previously set the minimum age for marriage at 15 for both genders, but a 1999 amendment to the Personal Status Law repealed the minimum age for girls. The law now allows a girl under the age of 15 to be married

⁴³ Personal Status Law, article 40.

⁴⁴ Law No. 12 of 1994 regarding crimes and punishments (hereafter Penal Code), as amended by law no.16 of 1995 and Law No. 24 of 2006, article 232 (in Arabic) at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11424 (accessed September 11, 2013).

⁴⁵ Article 12 lists *zina* as one of the crimes that would fall within the classification of *hudood* (*hadd* singular) crimes that are crimes as prescribed under Sharia. Article 263 provides that where *zina* is committed by an unmarried man or woman they are to be punished by a maximum of 100 lashes and a court may also on the basis of *ta'zir* (discretion) sentence them to a maximum of one year in prison; if the person was married when committing *zina*, it is punishable by stoning to death.

⁴⁶ Chapter 3 of the Penal Code refers to scandalous acts in breach of modesty, which is defined under article 273 as "a scandalous act in breach of modesty are all acts contrary to public decency or modesty, nudity, revealing intentionally their genitals or indicating a breach of modesty and contrary to etiquette." For instance, article 275 states in cases of scandalous acts with a female that they could be imprisoned up to one year or a fine if the act was committed without the female's consent but if she consented then the two of them could be sentenced to a maximum of six months or a fine not exceeding 1,000 riyals (US\$5).

with the consent of her guardian. While the law purports to protect girls by prohibiting sexual intercourse until a girl reaches puberty, this minimal safeguard is ineffective. Human Rights Watch has documented cases in which pre-pubescent girls have been subjected to marital rape.⁴⁷ A marriage to a boy under 15 is still invalid.⁴⁸ In 2009, Yemen's parliament debated a bill that would raise the minimum age of marriage to 17, but conservative members of parliament argued the legislation violated Sharia. The bill never became law.

Yemen has high rates of child marriage, even by regional standards, including for girls 15 or under.⁴⁹ It is difficult to get accurate numbers on rates of early marriage, but a 2013 UNICEF survey showed that about one in five women (19 percent) between 15-49 years-old in Yemen had been married by the time they were 15.⁵⁰ Girls and young women belonging to poor households, and those from rural areas, are more likely to be married early.⁵¹ Human Rights Watch documented the harmful consequences of early marriage of girls in Yemen, sometimes to much older men, including domestic violence, marital rape, and early pregnancy, leading to high rates of maternal and infant mortality.⁵²

Recommendations 166 and 167 of the National Dialogue Conference called for the government to set a minimum age for marriage at 18, consistent with international standards, and for criminal sanctions to be applied to anyone who forces a child to marry.⁵³ On April 27, 2014, the minister of social affairs and labour and the minister of legal affairs presented a draft law to the Cabinet to establish a minimum marriage age in an effort to implement these recommendations.⁵⁴ The draft law has yet to pass.

c. Female Genital Mutilation

In many governorates in Yemen female genital mutilation (FGM) is not practiced, but in some up to 84 percent of women and girls are cut. Nationwide, 19 percent of all women and girls have undergone some form of FGM. Ninety-nine percent of women who are victims of FGM are mutilated within the first year of birth, with 93 percent mutilated within the first month.

The practitioners are usually older women from local villages, who were taught the procedure by their mothers or grandmothers and continue to pass it down to their daughters and granddaughters. Sometimes the procedure is also carried out by traditional birth attendants or relatives, almost always in the home of the baby. In some cases, doctors, nurses or midwives carry it out in medical facilities, in violation of a 2001 government decree that prohibits the use of public and private health facilities to carry out FGM. Practitioners rarely use any form of anesthetic, and usually do the cutting with a razor blade, scissors or a knife.

Some prominent Yemeni religious leaders who subscribe to the Shafi'i school of jurisprudence within Sunni Islam consider FGM a religious obligation. Others in Yemen, such as those following

⁴⁷ See Human Rights Watch, *"How Come You Allow Little Girls to Get Married?": Child Marriage in Yemen*, December 2011, at <https://www.hrw.org/reports/2011/12/07/how-come-you-allow-little-girls-get-married>.

⁴⁸ Personal Status Law, article 15.

⁴⁹ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 226.

⁵⁰ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, p. 228. UNICEF, "Yemen Baseline Survey Report," July 2013, p. 96.

⁵¹ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, p. 2.

⁵² Human Rights Watch, *"How Come You Allow Little Girls to Get Married?": Child Marriage in Yemen*, December 2011.

⁵³ "Ending Child Marriage in Yemen," Human Rights Watch dispatches, January 22, 2014, <http://www.hrw.org/news/2014/01/22/dispatches-ending-child-marriage-yemen>.

⁵⁴ "Yemen: End Child Marriage," Human Rights Watch news release, April 27, 2014, <http://www.hrw.org/news/2014/04/27/yemen-end-child-marriage>.

the Hanafi and Maliki schools of thought, also Sunni, generally either view the practice as optional or do not practice it at all. The Zaidi Shia community, which represents roughly a third of Yemen's population, generally does not practice FGM.

Because of the lack of health care, particularly emergency care, in many rural areas of Yemen, FGM can lead to death or long-term health consequences. Baby girls that are cut and bleed severely are unlikely to have access to life-saving care in such areas. The Yemeni government keeps no official data on deaths associated with FGM—hospitals have no policy of recording whether the cause of death for young girls is related to FGM— so the number of Yemeni girls who have lost their lives due to the practice remains unknown.

The debate on passing a law banning FGM was invigorated during Yemen's National Dialogue Conference. Conference members concluded that those who carry out FGM should be subject to criminal prosecution. In response to this and other National Dialogue recommendations, in April 2014 a Child Rights bill that criminalizes FGM and stipulates prison sentences and fines for offenders was submitted for ministerial review. At the time of writing, the bill was pending before the cabinet.

Access to reproductive health care (CEDAW articles 1, 12 and 14)

Yemen is making progress towards improving maternal health, but women still face severe health challenges. Maternal and infant mortality rates are very high for the region, and these rates are exacerbated by early marriage and high fertility rates.⁵⁵ According to the 2013 DHS, the maternal mortality rate (ratio of maternal deaths to live births) is estimated to be 148 maternal deaths per 100,000 live births for 2012/2013.⁵⁶ Based on Yemen's fertility rate of 4.4 births per woman, the lifetime risk of maternal death is 1 in 153 women.⁵⁷ Maternal mortality is the leading cause of death among women of reproductive age in Yemen.⁵⁸

Antenatal coverage in Yemen is low. Only about 60 percent of pregnant women surveyed in 2013 had received antenatal care. Urban and educated women were much more likely to receive antenatal care from a trained health professional.⁵⁹ The majority of Yemeni women give birth at home—only 30 percent of births captured by the survey were in health centers, and only 45 percent of births were attended by skilled personnel.⁶⁰ According to UNICEF data, half of women give birth with only a friend or a relative present.⁶¹ The 2013 survey found that access to skilled attendance at delivery, one of the most critical interventions for safe motherhood was, like antenatal care, much more likely for educated women living in urban areas.⁶²

Women requiring emergency obstetric care may be denied admission to the hospital if they lack the authorization of their male guardians, most often their husbands. Yemen's Ministry of Health has found that advance permission from the husband to access health care at a medical center

⁵⁵ SIGI, "Yemen," 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

⁵⁶ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 39. WHO et al, "Trends in Maternal Mortality: 1990 to 2013", 2014, p. 52, http://apps.who.int/iris/bitstream/10665/112682/2/9789241507226_eng.pdf (accessed December 2, 2014).

⁵⁷ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 20.

⁵⁸ SIGI, "Yemen," 2012.

⁵⁹ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 15.

⁶⁰ *Ibid.*, p. 16.

⁶¹ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 47; World Economic Forum, "Global Gender Gap Report 2013: Country Profile: Yemen," 2013, <http://reports.weforum.org/global-gender-gap-report-2013/#section=country-profiles-yemen> (accessed August 5, 2014).

⁶² MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 16. See also UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 4.

is one of the major obstacles to treatment, including emergency treatment.⁶³ These authorizations are a common practice although not a legal requirement in Yemen.⁶⁴

According to UNICEF, young women in Yemen face considerable health risks due to early marriage and teenage pregnancy. Data from 2006 indicates that the number of pregnancies for women under 20 in Yemen was significantly higher than in other countries in the region, and that far fewer teenage pregnancies were attended by skilled physicians. Women under 20 accounted for one in three maternal deaths. UNICEF expected that the situation had deteriorated since 2011, as many reproductive health service providers had vacated large areas of Yemen due to insecurity.⁶⁵

While women have the right to use contraception, SIGI and UNICEF have reported a general lack of awareness about reproductive health, and particularly about contraception.⁶⁶ The 2013 DHS indicated that only 28 percent of ever-married women have ever used a “modern” family planning method.⁶⁷ Contraceptive use increased with educational attainment, and had increased over the 16-year period for which survey data was available.⁶⁸ There is currently little international funding being spent on reproductive health projects.⁶⁹

Suggested Recommendations

We encourage the Committee to make the following recommendations to the Yemeni government:

- Ensure that the new constitution:
 - *Guarantees equality between men and women under the law;*
 - *Guarantees non-discrimination including on the basis of sex, gender, pregnancy, and marital status, and directs the legislature to pass legislation to prohibit discrimination by the state or private entities;*
 - *Empowers the courts to strike down discriminatory laws, policies, and practices, and afford those affected an effective remedy.*
 - *Includes provisions that define gender-based violence as a form of discrimination and directs the legislature to act to prevent and address it.*
- Repeal or amend all laws that discriminate against women.
- Repeal or amend penal law prohibiting *zina* (sexual intercourse outside of marriage).
- Enact laws to make all forms of violence against women and girls, including domestic violence and female genital mutilation, a criminal offense. Ensure that legislative reform includes provisions for victim assistance, and appropriate protocols and guidelines for all government officials responding to violence against women.
- Ensure that relevant government agencies have the capability to implement and monitor new and revised legislation to promote and protect women’s rights. Develop a national

⁶³ The 2003 Family Health Survey found that 29.6 percent of women in urban areas, and 53.7 percent of women in rural areas noted that getting permission to access treatment was an obstacle. Other obstacles to receiving treatment include not knowing where to go to access healthcare, not having enough money, distance, lack of transportation, and unavailability of female provider. These obstacles were particularly high for women living in rural areas. MoPHP, “Yemen Family Health Survey 2003,” p. 114.

⁶⁴ According to Arwa al-Rabi`i, the authorization forms are printed forms in the name of the hospital or medical center that state that the hospital will not be responsible for any incident that may occur due to the procedure that will be performed. It will explain the procedure and reason for admission and require the woman’s guardian’s signature. Human Rights Watch telephone interview with Dr. Arwa al-Rabi`i, gynecologist, Sanaa, January 27, 2011.

⁶⁵ UNICEF and The Republic of Yemen, “Situation Analysis of Children in Yemen 2014,” 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 154.

⁶⁶ Ibid., p. 155; SIGI, “Yemen,” 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

⁶⁷ MoPHP, “Yemen National Health and Demographic Survey 2013,” May 2014, p. 77.

⁶⁸ According to four surveys, use of contraceptive methods had increased in Yemen from 21 percent in 1997 to 34 percent in 2013. MoPHP, “Yemen National Health and Demographic Survey 2013,” May 2014, p. 13.

⁶⁹ UNICEF and The Republic of Yemen, “Situation Analysis of Children in Yemen 2014,” 2014, p. 155.

plan of action on violence against women and girls to implement new and revised legislation.

- Consult with Yemeni women’s rights groups and other relevant civil society organizations when drafting new legislation concerning women’s rights.
- Repeal or amend all laws that facilitate violence against women including those related to “honor killings.”
- Enact, once transmitted by the cabinet, the Child Rights Bill to provide criminal penalties for those who carry out early marriage, female genital mutilation, and child labor, among other issues, in line with international human rights standards.
- Support independent, non-partisan programs to assist female candidates for elected office and governmental positions, to overcome barriers to office, and to develop capacity-building initiatives, such as campaign management or leadership training for female candidates.
- Ensure that all women have equal access as men to education including addressing causes of the low enrolment rate of girls, and the high dropout rates of adolescent girls from school, including those living in conflict areas.
- Enact legislation prohibiting the occupation and use of schools and universities by security forces in conflict-affected regions consistent with with international humanitarian and human rights law standards, and the *Guidelines on Protecting Schools and Universities from Military Use during Armed Conflict*.⁷⁰
- Increase and improve access to reproductive health services and information, including access to emergency obstetric care, for all girls and women particularly in rural areas.
- Ensure that all healthcare workers are aware that government policy does not require husbands’ authorization for women to seek health care, including obstetric care, regardless of the woman or girl’s age.

⁷⁰ “Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict,” December 2014, available at <http://protectingeducation.org/guidelines>.